

**MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH**

The Garden City Town Council held their regularly scheduled meeting on Thursday, May 14, 2015 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:00 p.m.

Town Council Members present:

John Spuhler, Mayor
Bess Huefner
Darin Pugmire
Chuck Stocking
Bruce Warner

Others Present:

Kathy Hislop
Anita Weston
Skip Duffin
Norm Mecham
Zan Murray
Bobbie Coray
Chris Coray
Brian House
Kristen Buys
Travis Buys
Mitch Poulson
Jeremy
Kim Lloyd
Steve Hamblin
Gary McKee

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Huefner, Council Member Pugmire, Council Member Stocking, and Council Member Warner.

APPROVAL OF MINUTES

Minutes of the Special Town Council Meeting held on April 9, 2015

Council Member Huefner made the motion to approve the minutes of the special Town Council meeting held on April 9, 2015. Council Member Pugmire seconded the motion. A roll call vote

was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Town Council Meeting held on April 9, 2015

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on April 9, 2015. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Executive Session held on April 9, 2015

Council Member Warner made the motion to approve the minutes of the executive session held on April 9, 2015. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Council Member Warner asked to change precedence to precedent throughout the minutes.

DISCUSSION REGARDING ENTERPRISE ZONES, Mitch Poulsen

Mr. Poulson explained the Enterprise Zone to the Town Council Members. He said that it is an administrative mechanism between the local municipalities in the state to allow businesses to capitalize on funding options. He explained that the Commissioners adopted the whole county as an enterprise zone, except the municipalities. The municipalities must adopt their own enterprise zones for the businesses to be eligible for the grant opportunities.

Mayor Spuhler asked why a municipality wouldn't do this. Mr. Poulson said that he hasn't seen any reason not to go through this process. Mayor Spuhler said that any time there is an opportunity to help the businesses in town we should do it.

We must hold a public hearing stating that it is to create an enterprise zone, adopt a resolution then fill out an application to go to the Governor's Office. We will try to get this on the agenda for next month.

DISCUSSION/APPROVAL FOR BUILDING INSPECTOR PURCHASES, Steve Hamblin

Mr. Hamblin read his memo to the Council Members, requesting a new copy of the International Building Codes. He is also requesting an ICC Governmental Membership to be paid for him by Garden City. He said that he does pay for his own re-certification. His total request is \$670.00.

The Council Members agreed to pay for this request.

BUSINESS LICENSE DISCUSSION/APPROVAL

Sweet Whimsy Boutique, LLC., Request conduct a retail clothing and accessory business located at 65 W. Logan Rd #7. Kelley Budge and Andrea Wells

Council Member Huefner said that this will be at the Bear Country Village.

Council Member Warner made the motion to approve the business license for Sweet Whimsy Boutique, LLC. as outlined on the business license application. Council Member Huefner seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Stop and Drop, request to operate a portable toilet service in Garden City. John & Kyle Spuhler

Mayor Spuhler explained that this is a portable toilet business. It will be located at Needles & Leaves.

Council Member Huefner made the motion to accept the business license for Stop and Drop. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Transient Vendor Business License Application for Moe's Eats. Request to conduct a self-contained mobile food trailer serving fresh corn dogs and fries. Jeremy Carling

Mr. Jeremy Carling explained that they operated at Gladys's place last summer. They want to expand this summer to Garden City. They want to operate Thursday through Sunday.

He wants to be at Mr. Nate Smoots location at Epic Recreation. The truck will be located on the South end of the Epic building, and they will make sure that they are only on Epic property and not on the city property. This is a food truck and they plan on having an a-frame sign in front. The Council Members looked at a drawing of how he is planning on where to place the food truck. The Council Member said that he must make sure that he isn't on city property at all. There is plenty of parking area in the back of the property. The Council Members agreed that Council Member Pugmire should work with Mr. Carling to make sure of the location.

Council Member Warner proposed to approve the transient business license for Moe's Eats contingent upon the proper placement of the trailer facility so that it's not a problem on the city right of way. Council Member Huefner asked about the restrooms. Mr. Carling said that the restrooms will be inside of Epic and they will be open the same time as Moe's so the facilities will be available at all times. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

2176 Bear Lake Blvd. #298-300, Ideal Beach, Owner is Richard & Lyn Bessey, Rily Property Management

Council Member Hefner said that everything was complete in the packet.

Council Member Huefner made the motion to accept the short term rental application for the Riley property management. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

929 Harbor Village E Dr. #214, Owner is Ken Ashby, Bear Lake Lodging.

Council Member Warner made the motion to approve this short term rental license for 929 Harbor Village E Dr. #214 for Ken Ashby. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

1850 S Bear Lake Blvd. Owner is Bruce Willden, Bear Lake Lodging.

Council Member Warner made the motion to approve the short term rental license for 1850 S Bear Lake Blvd, Bruce Willden. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

902 Newberg Dr. #2, Owner is Dan and Darlene Houser, Bear Lake Project Management

Council Member Stocking said that the packet is missing the second story floor plan. We will need that before we give out the license.

Council Member Huefner made the motion to accept conditionally the Dan & Darlene Houser short term rental, 902 Newberg Dr. #2 with the bedroom design layout. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

721 Cambry Dr. Owner is Jill and Jason Taylor, Bear Lake Project Management

Council Member Huefner made the motion to accept the short term rental application for 721 Cambry Drive. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

228 Snowmeadows Circle, Owner is Randy & Gillian Lloyd

Council Member Warner moved to approve this one at 228 Snowmeadows Circle. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

553 W Raspberry Patch Rd. Owner is Wonderr Holdings LLS (Eric Derr)

Council Member Huefner made the motion to approve the Wonderr Holdings LLC, Eric Derr, conditionally to getting the signature from the Fire Chief and from the Building Inspector. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL, request to encumber parcel numbers 41-21-32-031 and 41-21-32-032, in the Buttercup Mobile Home Estates Subdivision. Owners are Eddie and Pamela Hunsaker

Council Member Huefner made the motion to encumber the parcels 41-21-32-031 & 41-21-32-032 in the Buttercup Mobile Home Estates. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

DISCUSSION REGARDING THE SEASONS DEVELOPMENT PROJECT AND THE CCR'S, Gary McKee

Mr. McKee explained that he has a buyer ready to purchase the Seasons Development property. He showed the plat to the Council Members, which was filed as a planned unit development. The property that he is buying has the option to construct 2 more buildings.

Mr. Roger Dahle will still own property west of the development and he doesn't want to be a part of the development. He now wants to be separate.

Mr. McKee said that there is an easement that goes from 1st west to 3rd west through the development. It is a private road with an easement that everyone along that easement can use to access their property. It will be part of the agreement.

This discussion is just a courtesy to the city so we know what's going on. What was platted and approve is staying the same. What they want to do is pull Roger Dahle and his property out of the equation. Mr. McKee said that the CC&Rs state that if any changes are made then they have to come back to the Planning Commission for approval. Mayor Spuhler said that we don't administer or get engaged with CC&R's. It is up to the people who are involved with the project.

Council Member Huefner asked if separating the property leaves enough open space. The open space was in the other phases, not in phase 1. The open space now for the 3 buildings will just be

the grass around the buildings. Council Member Warner said that if they want to build different than what is platted then they will have to come back for approval.

Council Member Huefner said that they will have to come back in as they build to make sure that there is enough open space. She said that once they pull out the club house and pool then it is just condos on a small piece of property.

Council Member Huefner asked if the Season's Resort Community Planned Unit Development takes out the pool, the open space and the club house; will there be enough open space around the buildings to be built as designed? She said that she doesn't believe that there will be. Mayor Spuhler said that if there isn't then they will need to come back with a different plan for open space around the buildings.

PUBLIC COMMENTS, 2 minute time limit

Mayor Spuhler explained the new requirements for the beach access.

Ms. Buys explained that the clinic is having their first annual health fair on June 11th.

Ms. Anita Weston explained that the sanitation department will have a hard time getting to the dumpsters at the back of the park because of the new parking area. They need to know that they need to get there early.

PUBLIC HEARING, DESCRIPTION ON SEPARATE NOTICE

Mayor Spuhler opened the public hearing at 6:20 p.m.

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Huefner, Council Member Pugmire, Council Member Stocking, and Council Member Warner.

Ordinance #15-19, an ordinance establishing policies and procedures for a temporary business license

This ordinance was discussed during the last Town Council meeting. This ordinance is just to allow businesses to start, if everything is completed, before the Town Council meeting. But it does need to be approved at the next Town Council meeting.

Mayor Spuhler said that he is concerned with a health and safety issues with short term rentals and what may not get done, and we get it out very quickly. Council Member Stocking said that it would have to go through the entire process with all the inspections before it can be approved. All the paperwork would have to be in place, they just wouldn't have to wait until the next Town Council meeting.

PUBLIC HEARING ADJOURNMENT

There being no further comments regarding the proposed ordinances Council Member Huefner made the motion to close the public hearing at 6:30 p.m. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #15-06, an ordinance updating commercial zones.

Council Member Warner said that he is okay with this ordinance because the residential part will be within the commercial structure. Council Member Pugmire said that this is in all commercial zones so basically there won't be a residence in the commercial zone unless it is within the commercial structure. Council Member Warner said that it has to be a commercial looking building.

Mayor Spuhler said that we just need to figure out where we want the commercial zone and if we want to we need to change the zones. He said that right now we look more like a town center environment.

Council Member Pugmire said that he feels that there is too much commercial everywhere. He would like more residences around, at least enable the residential aspect. The Council reviewed the downtown and felt like there are quite a few areas that would allow residential. Also, the property owner can come in with a PUD and change the zone so they would be able to build a residence.

Council Member Warner made the motion to approve ordinance #15-06 with the changes recommended by the Planning Commission. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Ordinance #15-18, an ordinance stating who approves signs.

This ordinance recommended by the Planning Commission suggests that the Code Enforcement Officer approve the sign permits.

Council Member Warner made the motion to approve ordinance #15-18 as drafted. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Ordinance #15-19, an ordinance establishing policies and procedures for a temporary business license

Council Member Warner made the motion to approve ordinance #15-19 with the change that was suggested on making sure that the application is a complete application with all the attachments. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Ordinance #15-20, an ordinance establishing policies and procedures for a temporary short term rental license.

Council Member Warner made the motion to approve ordinance #15-20 with the change that was suggested on making sure that the application is a complete application with all the attachments. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Review ordinance Chapter 8-700, Beach use within the Garden City General Permit Area

The Council Members reviewed the ordinance regulating beach use in the General Permit area. Mayor Spuhler said that he will rewrite the ordinance so it is correct according to the new rules and zones and it will be ready for the meeting next month.

Employee Housing

Mayor Spuhler explained what he has found new options for employee housing. He said that he has talked with Mr. Dan Peart about using his facility for employee housing. His location is about 10 minutes from Laketown. He will let the business community know that this is an option for them for their employees.

**DISCUSSION/APPROVAL OF REAL ESTATE PURCHASE CONTRACT AND
MEMORANDUM OF UNDERSTANDING FOR THE SHUNDAHAI WATER TANK,
Norm Mecham**

This item was discussed during the staff meeting. The motion is based on the discussion during the staff meeting.

Mr. Mecham said that he is still working on the easements.

Council Member Warner made the motion to agree that we are moving forward to purchase the shundahai tank contingent upon obtaining the financing through the government agencies that Mr. Murray is working on, and that there is a certain amount of money related to the project on 150 south that will be paid to Mr. Mecham and his group as a deposit and will be labeled as earnest money. Mayor Spuhler said that he would like that part taken out because we are working with USDA. Council Member Warner said that he put it in there because the \$92,307.69

will reduce the purchase price that amount. Council Member Pugmire said that it should be stated that amount will be paid as earnest money.

Council Member Warner stated that there was a reference specifically that the only property benefited by this deal is all of Eagle Feather. That terminology will be removed at closing. The deal also involves \$100,000 in reduction in the purchase price from what we originally discussed. Mayor Spuhler said that upon purchase title insurance will be purchased so the property will be free and clear of all liens. The \$92,307.69 will be paid September 30, 2015. The actual contract will be September 30, 2016 or as soon as the financing is available, but no longer than September 30, 2016. Council Member Stocking seconded the motion.

Council Member Warner amended the motion to agree that Mr. Murray will move forward with the application with USDA to expand the project to include some of the other elements and improvements to the water system that we need subject to receiving that list. Mayor Spuhler said that he doesn't feel that this should be included in the purchase of the tank and this discussion. Council Member Warner said that it is proposed to be included in the financing. It was left in the amended motion. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

DISCUSSION REGARDING THE ELK'S RIDGE PROJECT, Council Member Warner

Council Member Warner said that we need to list the steps that we need to do to move forward on this to get the easements correct. We need to hold a meeting to outline the steps and make assignments. Mayor Spuhler said that the tank is important to our strategy but the roads are important also.

TENTATIVE BUDGET DISCUSSION/APPROVAL FOR FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016. BUDGET FUNDS INCLUDE THE GENERAL FUND, BUTTERCUP SPECIAL IMPROVEMENT DISTRICT FUND, CAPITAL PROJECTS FUND, BEACH ACCESS FUND AND THE ENTERPRISE (WATER) FUND
Review Budget for current fiscal year, July 1, 2014 through June 30, 2015. Open Budget to approve over expenditures.

There are no over expenditures since last month's approval to move funds to cover the over expenditures so the current budget wasn't open at this time.

Review and approval of the tentative budget approval for fiscal year July 1, 2015 through June 30, 2016, which includes the General Fund, Buttercup Special Improvement District Fund, Capital Projects Fund, Beach Access Fund and the Enterprise (water) Fund.

The Council Members reviewed the tentative budget for each fund.

Mayor Spuhler reminded the Council Members to start looking into a cost of living increase for the employees.

Council Member Pugmire made the motion to approve the tentative budget for fiscal year July 1, 2015 through June 30, 2016. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Approval of the Utah Retirement rates for fiscal year July 1, 2015 through June 30, 2016

Council Member Warner made the motion to approve the retirement contribution rates. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

COUNCIL MEMBER REPORTS

Council Member Stocking said that we have installed replacement probes for the chemical feeders. He said that it seems to be a little bit better but Mr. Monk has to manually dose it sometimes. We are still having an issue. Mr. Monk is trying to go in early in the mornings to dose it so it is ready when it is time to open the pool. We contacted the manufacturer of the probes to see if there is a problem or a reason that they are not working right. They will continue to work on that issue to get it figured out.

Council Member Stocking said that the librarian wants to hire another person to help during the summer for 3-4 hours per week. They will pay the new person \$8.00 per hour. They also want to know if they can use the special collection room for storage for the rummage sale.

The Library is just waiting for the brackets for the sign then they will get it installed.

Council Member Warner explained that he approved to refund the impact fee paid by Mr. Bryan Burr for his 2" water line because his house burned down. They will make sure the 3/4" meter is re-installed and he will continue to pay for that connection.

Council Member Pugmire said that they restriped the 50 south parking lot.

Payment Vouchers

The Council Members reviewed the bills and vouchers.

Council Member Stocking made the motion to pay the vouchers. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

EXECUTIVE SESSION

Council Member Warner made the motion to go into executive session to discuss legal matters at 10:00 p.m. Council Member Pugmire seconded the motion. A roll call vote was taken: Council

Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Council Member Warner made the motion to end the first executive session at 9:22 p.m. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

The Council Members discussed that they needed to go into a second executive session to discuss human resource issues.

Council Member Stocking made the motion to go into the second executive session to discuss human resource issues at 9:22 p.m. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Council Member Pugmire made the motion to end the second executive session at 10:10 p.m. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ADJOURNMENT

There being no further business to discuss Council Member Pugmire made the motion to adjourn the executive session at 10:10 p.m. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk